IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19718 of 2004

Between:

Sarath School, Ordanancy Factory Project Estate, yeddumalilaram, Medak District, rep by Director and Correspondnet Sri R.P. Seth s/o Sri Ram Seth

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner (E&F) Barkatpura, Hyderabad.
2 The Asst. Provident Fund Commissioner Sub- Accounts Office, 12-1, Susheeram Complex Patancheru, Medak District
3 The Recovery Officer, Employees Provident Fund Organisation, Sub-Accounts Office, 12-1, Susheeram Complex, Patancheru, Medak District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass appropriate order or orders more particularly in the nature of Writ of Mandamus declaring the demand made by the respondents under order, dated 11-11-2000, 28-3-2001 and 5-10-2004 under proceedings No. AP/34283/PD/SAO/PT/04/1166 towards alleged dues of provident fund and alleged penal damages and interest as arbitrary illegal and contrary to the provisions of Employees Provident fund and Miscellaneous provisions Act, 1952 and violative of principles of natural justice and infringe the fundamental rights guaranteed under Articles 14 and 19(i)(g) of constitution of India and quash the same or pass such other order or orders as the Hon'ble Court may deem fit and proper fin the circumstances of the case.

Counsel for the Petitioner: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission, made the following :

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ORAL ORDER

The writ petition is filed challenging the orders dated 11-11-2000, 28-03-2001 and 05-10-2004 respectively passed by the 2nd respondent, determining the amount payable by the petitioner towards penal damages under Section 14-B of the Employees provident Fund and Miscellaneous Provisions Act,1952 (for short "the Act").

Heard the learned counsel for the petitioner and learned standing counsel for the respondent.

The learned Standing Counsel for the respondent submitted that the petitioner has got a statutory remedy of appeal under Section 7(1) of the Act. The petitioner cannot approach this Court without exhausting the said remedy by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is mentioned in the writ affidavit that the petitioner preferred an appeal before the concerned authorities under Section 7(1) of the Act and it is pending.

In the light of the above circumstances, the writ petition at this stage cannot be maintained. However, the petitioner is directed to prosecute the appeal before the appellate authority under Section 7(1) of the Act and obtain appropriate orders according to law. If the stay is not already granted by the appellate authority, there shall be an interim stay for a period of eight (8) weeks on condition of the petitioner depositing fifty percent of the amount demanded within a period of four (4) weeks from the date of receipt of a copy of this Order.

The writ petition is accordingly disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 28th October, 2004.

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TO

1 The Regional Provident Fund Commissioner (E&F) Barkatpura, Hyderabad.
2 The Asst. Provident Fund Commissioner Sub- Accounts Office, 12-1, Susheeram Complex Patancheru, Medak District
3 The Recovery Officer, Employees Provident Fund Organisation, Sub-Accounts Office, 12-1, Susheeram Complex, Patancheru, Medak District.

4 Two C.D.Copies